



American  
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Association

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Dear Representative:

On behalf of the American Public Power Association (APPA), I am writing to express our support for H.R. 8, the North American Energy Security and Infrastructure Act of 2015. APPA is the national service organization representing the interests of over 2,000 community-owned, not-for-profit electric utilities. These utilities include state public power agencies, municipal electric utilities, and special utility districts that provide low-cost, reliable electricity and other services to over 48 million Americans.

H.R. 8 includes several provisions important to public power utilities. APPA supports the inclusion of the Resolving Environmental and Grid Reliability Conflicts Act of 2015 in the bill, which will ensure that electricity generators will no longer be forced to choose between conflicting legal obligations when acting to comply with emergency reliability orders from the Department of Energy. We also support the inclusion of language to expedite the permitting of interstate natural gas pipelines by reinforcing the Federal Energy Regulatory Commission's (FERC) role as the lead agency for siting and requiring cooperating agencies to conduct environmental reviews concurrently.

In addition, APPA supports the bill's language to give the Secretary of Energy broader authority to address grid security emergencies while facilitating the protection and voluntary sharing of critical electric infrastructure information (CEII). This important provision narrowly preempts state sunshine laws such that the information provided to public power utilities by the federal government and other entities related to the protection of critical electric infrastructure does not have to be disclosed to potentially nefarious individuals or groups. We also strongly support the provisions to streamline the hydropower licensing and relicensing process that will facilitate the continued operation and expansion of this important source of emissions-free electricity. APPA supports many of the energy efficiency provisions in the bill, including the provision to repeal Section 433 of the Energy Independence and Security Act of 2007 that requires all new federal buildings and those undergoing major renovations to eliminate their use of fossil fuel-generated energy by 2030.

Below is a summary of APPA's positions on amendments to H.R. 8 that are of priority importance to public power. As you review these amendments and our positions, it is important to note that, as not-for-profit, community-owned utilities, APPA's members work closely with their customers to determine the appropriate fuel mix for their utilities based on affordability, reliability, and appropriate environmental stewardship. Many of the amendments we oppose below would inappropriately limit or eliminate our members' flexibility in determining the best options for their communities, where they are often leaders in deploying innovative technologies. We, therefore, respectfully request your support of public power's positions on these amendments.

**Upton Manager's Amendment** – it strikes a number of provisions in the bill, some of which have already been enacted into law, and makes technical and conforming changes to the reported text of H.R. 8 (makes changes to the text of Sections 1104 (critical electric infrastructure information) and 1109 (carbon capture, utilization, and sequestration projects)), H.R. 2295 (National Security Energy Corridors legislation approved by the House Natural Resources Committee), and H.R. 2358 (vegetation management legislation approved by the House Resources Committee). **APPA supports the Upton manager's amendment and urges Members to vote yes on it.**

**Cramer Amendment** – it would authorize voluntary vegetation management within 150 feet of the exterior boundary of the right-of-way near structures. It would also prevent the sale of such vegetation and limit legal liability. **APPA supports the Cramer amendment and urges Members to vote yes on it.**

**Duffy Amendment** – it would require the Environmental Protection Agency to have to comply with existing Executive Orders (EO 12866 and EO 13132) that seek to improve regulatory planning, coordination, and review. **APPA supports the Duffy amendment and urges Members to vote yes on it.**

**Tonko Amendment #1** – it would strike Section 1101 of the energy bill, which would reinforce the FERC's role as the lead agency for siting interstate natural gas pipelines. APPA supports Section 1101's inclusion in the bill because it would help expedite the siting of interstate natural gas pipelines that will be needed to deliver gas to electric utilities for generation. **APPA opposes Tonko amendment #1 and urges Members to vote no on it.**

**Franks Amendment** – it would direct FERC to issue regulations on electric utilities related to electromagnetic pulse (EMP) attacks. The Franks amendment is duplicative and unnecessary. FERC and the North American Electric Reliability Corporation (NERC) already have authority to develop reliability standards to address grid security vulnerabilities and have issued standards to address geomagnetic disturbances, as well as physical threats to the grid. **APPA opposes the Franks amendment and urges Members to vote no on it.**

**Poliquin Amendment** – it would clarify that electric plants can be considered reliable without having to enter into supply contracts that are greater than one year. While it would add a new “must consider” requirement to Section 111 in the Public Utility Regulatory Policies Act regarding the lack of need for long-term contracts to have reliable generation, the objective of this amendment is unclear. **APPA opposes the Poliquin amendment and urges Members to vote no on it.**

**Norcross Amendment #1** – it would direct the Secretary of Energy to develop recommendations for the creation of an “Energy Tradesmen Corp,” a volunteer corps of professional tradesmen who respond to critical electric infrastructure problem during disasters/states of emergency. APPA has concerns this program would trump existing mutual aid programs. **APPA therefore opposes the Norcross amendment as currently drafted and urges Members to vote no on it.**

**Beyer Amendment** – it would strike the repeal in the bill of Section 433 of the Energy Independence and Security Act, which establishes targets for reducing energy from fossil fuels in federal buildings. APPA supports the repeal of Section 433, which seeks to eliminate fossil fuel-generated energy and direct use consumption in new and renovated federal buildings by 2030. Section 433 will not necessarily reduce use of fossil fuel-generated energy, but would spend taxpayer money on purchasing renewable energy certificates to achieve compliance. **APPA opposes the Beyer amendment and urges Members to vote no on it.**

**Castor Amendment #1** – it would seek to strengthen energy infrastructure resiliency and improve energy efficiency by incentivizing local renewable thermal (heating and cooling) energy and waste heat, such as combined heat and power and by providing technical assistance to eligible entities to establish distributed energy systems. The amendment seeks to have the federal government subsidize the planning, design, and development of distributed energy systems, including renewables, combined heat and power, microgrid, energy storage, and district energy systems. Many of these technologies are mature and/or

receive other federal subsidies. **APPA opposes Castor amendment #1 and urges Members to vote no on it.**

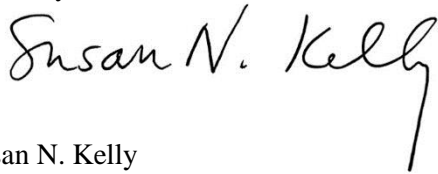
**Castor Amendment #2** – it would allow community solar projects to be connected to their power distribution system and allow the electricity produced by the community solar facility to be credited directly to each of the consumers that owns a share of the system. The amendment would violate retail electric service laws in states without retail electric competition and is redundant of existing federal interconnection standards imposed on states. It would also allow third-party community solar developers to sell electricity directly to consumers in violation of retail electric service law in those states that do not allow retail competition. **APPA opposes Castor amendment #2 and urges Members to vote no on it.**

**Grayson Amendment** – it would establish minimum federal privacy standards for smart meters and their use in the smart grid. APPA believes smart meter privacy policies are best handled at the state and local level where they can be tailored to what the community wants. There is no need for a one-size fits all, federal privacy policy. **APPA opposes the Grayson amendment and urges Members to vote no on it.**

**Pallone Amendment** – it would prohibit the bill from taking effect until after the Energy Information Administration analyzed and published a report on the carbon impacts of the bill's provisions. This amendment has broader implications than at first glance as it seeks to undermine the development of all fossil-fuel energy resources. **APPA opposes the Pallone amendment and urges Members to vote no on it.**

We respectfully urge the House of Representatives to approve this important energy legislation that will update our nation's energy policies.

Sincerely,

A handwritten signature in black ink that reads "Susan N. Kelly". The signature is written in a cursive, flowing style. The first name "Susan" is written in a larger, more prominent script, followed by "N." and "Kelly". The signature is positioned to the right of the word "Sincerely,".

Susan N. Kelly  
President & CEO  
SNK/DW